

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES JOHNSON,
651 Beverly Hills Drive
Youngstown, Ohio 44505

Plaintiff,

v.

WELLS FARGO
P.O. Box 10335
Des Moines, IA 50306-0335

TEN- X, LLC d/b/a AUCTION.COM
One Mauchly
Irvine, CA 92618

Defendants.

:
: CASE NO.
:
:
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: JUDGE
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:
: COMPLAINT
:
: JURY TRIAL DEMANDED
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:
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COMPLAINT IN CIVIL ACTION

AND NOW COMES Plaintiff, James Johnson, by and through the undersigned counsel,
and files the following Complaint and avers as follows:

INTRODUCTION

1. This case is brought pursuant to sections 1982, 1981 and 3603 of the Civil Rights Act 42 U.S.C. 1982, 1981 and 3603 for violations of the Plaintiff's rights involving race discrimination in the sale of real property. Plaintiff alleges federal and state causes of action herein.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. 1331 over the constitutional claims contained in this Complaint as well as the claims arising under 42 U.S.C. 1981, 1982 and 3603.

3. Venue is proper as all events giving rise to this action occurred within the Northern District.

PARTIES

4. Plaintiff, James Johnson is an African American citizen residing in Youngstown, Ohio.

5. Wells Fargo is a multi-national corporation regularly conducting business in the state of Ohio and under information and belief is incorporated in the state of Ohio and various other states with a corporate address of 420 Montgomery Street, San Francisco, CA 94104.

6. Defendant Ten-X, LLC d/b/a Auction.com is a national corporation regularly conducting business in the state of Ohio and under information and believe is incorporated in the state of California with a corporate address of One Mauchly, Irvine, CA 92618.

FACTS

7. Plaintiff James Johnson was the rightful owner of a piece of real property located at 2445 Windsor Avenue, Youngstown, Ohio, 44502.

8. In or around 2011 Defendant Wells Fargo filed a foreclosure action against Plaintiff.

9. Following foreclosure by Wells Fargo, Wells Fargo listed said property for sale at the website Auction.com.

10. In or around September of 2016 Plaintiff submitted the sole bid through Auction.com to purchase the property in question for \$32,000. The very next day Plaintiff was telephonically notified by an individual holding himself out to be an agent of Auction.com that he was the sole bidder and had won the auction.

11. Upon determining that Mr. Johnson submitted the sole bid for the property in question, Wells Fargo and Auction.com acted in concert to remove the property from the auction listing and subsequently sold the property in question for only \$3,000.

12. Suddenly and abruptly Plaintiff was informed by representatives of Auction.com that he was not eligible to purchase the property in question. No legitimate reason was given for termination of the contract.

13. Plaintiff states that his race was a determining factor in the Defendants' sudden request for termination of the contract.

14. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;

- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience, embarrassment, mental anguish, loss of standing in the community emotional and psychological trauma;
- d. his general health, strength and vitality have been impaired;
- e. he has been and may in the future be unable to enjoy the various pleasures of life;

COUNT I – PLAINTIFF V. ALL DEFENDANTS

15. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs of this Complaint as if fully set forth herein.

16. At all times material hereto Plaintiff was a natural citizen of the United States with the right to inherit, purchase, lease, sell, hold, and convey real and personal property.

17. The actions of the Defendants in denying Plaintiff's right to purchase real property are a direct violation of 42 U.S.C 1982.

18. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;
- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience, embarrassment, mental anguish, loss of standing in the community emotional and psychological trauma;
- d. his general health, strength and vitality have been impaired;

- e. he has been and may in the future be unable to enjoy the various pleasures of life;

COUNT II – PLAINTIFF v. ALL DEFENDANTS

19. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs of this Complaint as if fully set forth herein.

20. At all times material hereto Plaintiff was a natural citizen of the United States with the right to make and enforce contracts and enjoy equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

21. The actions of the Defendants in denying Plaintiff his right to purchase real property are a direct violation of 42 U.S.C 1981.

22. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;
- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience, embarrassment, mental anguish, loss of standing in the community emotional and psychological trauma;
- d. his general health, strength and vitality have been impaired;

- e. he has been and may in the future be unable to enjoy the various pleasures of life;

COUNT III – PLAINTIFF v. ALL DEFENDANTS

23. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs of this Complaint as if fully set forth herein.

24. At all times material hereto Plaintiff was a natural citizen of the United States with the right to purchase real property.

25. The actions of the Defendants in denying Plaintiff his right to purchase real property are a direct violation of 42 U.S.C 3603.

26. The Defendants acted in concert to refuse to sell real property to Plaintiff after he made a bona fide offer to purchase real property on the basis of his race, color or natural origin.

27. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;
- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience, embarrassment, mental anguish, loss of standing in the community emotional and psychological trauma;
- d. his general health, strength and vitality have been impaired;
- e. he has been and may in the future be unable to enjoy the various

pleasures of life;

COUNT IV – PLAINTIFF v. ALL DEFENDANTS

28. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs of this Complaint as if fully set forth herein.

29. At all times material hereto Plaintiff was a natural citizen of the United States with the right to make and enforce contracts and enjoy equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

30. The actions of the Defendants in denying Plaintiff his right to purchase real property are a direct violation of section 4112.02(H)(1) of the Ohio Revised Code.

31. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;
- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience, embarrassment, mental anguish, loss of standing in the community emotional and psychological trauma;
- d. his general health, strength and vitality have been impaired;
- e. he has been and may in the future be unable to enjoy the various pleasures of life;

COUNT V. PLAINTIFF v. ALL DEFENDANTS

32. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs of this Complaint as if fully set forth herein.

33. At all times material hereto Plaintiff was a natural citizen of the United States with the right to make and enforce contracts and enjoy equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

34. Plaintiff entered into a contract with the Defendants at the time that he entered a winning bid on Auction.com.

35. Plaintiff performed his portion of the contract by agreeing to pay the bid price in question.

36. Defendants breached their contract with Plaintiff in an intentional, fraudulent, wanton and discriminatory manner when they chose not to honor their contract with Plaintiff without legitimate cause.

37. As the direct, proximate, and factual result of the conduct of the Defendants, Plaintiff has suffered the following damages:

- a. Plaintiff lost the real value of the property he purchased;
- b. Plaintiff lost the sentimental value of being able to purchase a home of significant importance to him.
- c. he has unnecessarily endured great pain, suffering, inconvenience,

embarrassment, mental anguish, loss of standing in the community
emotional and psychological trauma;

- d. his general health, strength and vitality have been impaired;
- e. he has been and may in the future be unable to enjoy the various pleasures of life;

WHEREFORE, Plaintiff demands compensatory damages, punitive damages and attorneys fees, costs and any such other relief as this Court may deem just and equitable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, prays for:

- a. Declaratory judgment that Defendants violated Plaintiffs constitutional, civil and statutory rights;
- b. An award of appropriate compensatory and punitive damages against each Defendant in favor of Plaintiff;
- c. Awards of attorney's fees, costs, and litigation expenses associated with the prosecution of this action ;
- d. For such other and further relief as the Court may deem proper.

JURY DEMAND

Plaintiff requests a trial by jury with respect to all matters and issues properly triable by a jury.

DATED: 9/27/2018

/s/Robert J. Rohrbaugh, II
Robert J. Rohrbaugh, II (0071668)
3200 Belmont Ave., Ste. 6
Youngstown, Ohio 44505

330-781-0250 fax 330-783-5552

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JURY DEMAND

Plaintiff hereby requests a Jury in this matter if it proceeds to trial.

/s/Robert J. Rohrbaugh, II